

**FILED**

SEP 14 2016

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

Clerk, U.S. District Court  
District Of Montana  
Great Falls

UNITED STATES OF AMERICA,

**CR-06-39-GF-BMM-02**

Plaintiff,

vs.

**ORDER**

KELLY RUTH MORTENSON,

Defendant.

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter August 29, 2016. (Doc. 359.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 23, 2016. (Doc. 358.) Mortenson admitted that she violated the conditions of her supervised release. The violations prove serious and warrant revocation of Mortenson's

supervised release. Judge Johnston has recommended that the Court revoke Mortenson's supervised release and commit Mortenson to the custody of the Bureau of Prisons for four months and given credit for time served (Doc. 359 at 4.) Judge Johnston further has recommended that Mortenson's term of custody be followed by 56 months of supervised release.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Mortenson's violations of her conditions represent a serious breach of the Court's trust. A sentence of four months custody followed by 56 months of supervised release represents a sufficient, but not greater than necessary, sentence.

**IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 359) is ADOPTED IN FULL.

**IT IS FURTHER ORDERED** that Defendant Kelly Ruth Mortenson be sentenced to four months custody followed by 56 months of supervised release. The conditions previously imposed shall be continued.

DATED this 13th day of September, 2016.

A handwritten signature in black ink, appearing to read "Brian Morris". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Brian Morris  
United States District Court Judge